

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: October 4, 2005
Public Hearing: October 25, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance granting Special Permit No. Zon05-00099, to allow for a dance hall on the property described as tract 7L2, Fresno Place, El Paso, El Paso County, Texas, pursuant to Section 20.38.040 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7958-7960 Alameda Ave. Applicant: Rodolfo & Lilia M. Segoviano. ZON05-00099 (District 7)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00099, TO ALLOW FOR A DANCE HALL ON THE PROPERTY DESCRIBED AS TRACT 7L2, FRESNO PLACE, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.38.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Rodolfo Segoviano and Lilia M. Segoviano have applied for a Special Permit under Section 20.38.040 of the El Paso Municipal Code to allow for a dance hall;

WHEREAS, the requirements of Section 20.04.160 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

WHEREAS, the City Council of the City of El Paso finds that, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D of the El Paso Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in the C-2/sc (Commercial/special contract) District;

Tract 7L2, Fresno Place, El Paso, El Paso County, Texas; and

2. That a dance hall is authorized by Special Permit in the **C-2/sc (Commercial/special contract)** district under Section 20.38.040 of the El Paso Municipal Code; and

3. That the requirements for a dance hall under Section 20.38.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.38.040 of the El Paso Municipal Code, to allow a dance hall on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the C-2/special contract (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes;

6. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00099**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of October, 2005.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



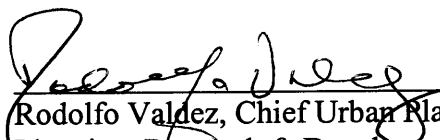
Carolyn J. Crosby, Assistant City Attorney

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

AGREEMENT

Rodolfo Segoviano and Lilia M. Segoviano, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the C-2/sc (Commercial/special contract) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 17 day of October, 2005.

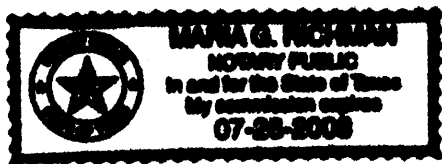
By: Rodolfo Segoviano
Rodolfo Segoviano
Lilia Segoviano
Lilia M. Segoviano

ACKNOWLEDGMENT

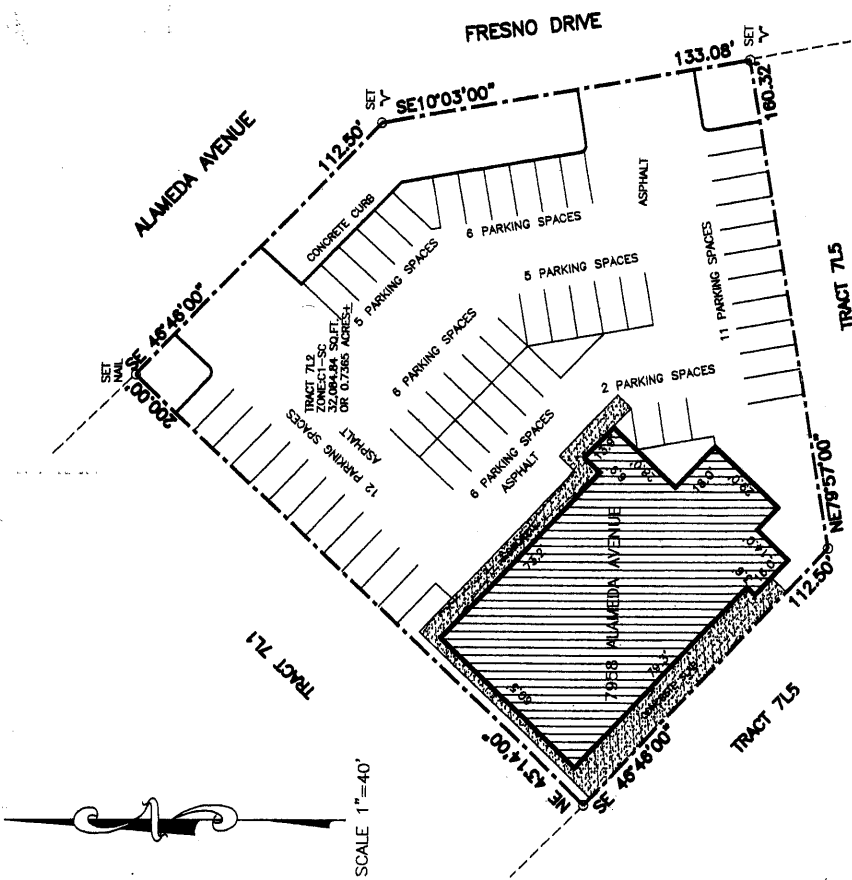
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 17th day of October, 2005, by **Rodolfo Segoviano and Lilia M. Segoviano**, as Applicants.

My Commission Expires:



Maria G. Richman
Notary Public, State of Texas
Notary's Printed or Typed Name:
MARIA G. RICHMAN



CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE BASIS OF A TRUE AND CORRECT MEASUREMENT OF THE PROPERTY AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.	DATE : 19-09-05
	LOCATED IN ZONE c PANEL # 480214-0044-B DATED 10-15-82 RECORDED IN VOLUME 64 PAGE 21 PLAT RECORDS, EL PASO COUNTY, TX
7958 ALAMEDA AVENUE TRACT 7L2 FRESNO PLACE (SEE EXHIBIT "A") CITY OF EL PASO, EL PASO COUNTY, TEXAS	

2005-00099

DETAILED SITE DEVELOPMENT PLAN APPROVED BY CITY COUNCIL	
DATE <i>10/15/05</i>	APPLICANT <i>John Rodriguez</i>
EXECUTIVE SECRETARY CITY PLAN COMMISSION <i>John Rodriguez</i>	
CITY MANAGER MAJOR	

EXHIBIT "A"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

September 27, 2005

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00099

The City Plan Commission (CPC), on September 22, 2005, voted **5 - 0** to recommend **APPROVAL** of this special permit request for permit a Dance Hall, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Site Plan, Location Map.

STAFF REPORT

Special Use Permit #: ZON05-00099

Property Owner(s): Rodolfo & Lilia M. Segoviano

Applicant(s): Rodolfo & Lilia M. Segoviano

Representative(s): Rodolfo & Lilia Segoviao

Legal Description: Tract 7L2, Block 30, Ysleta Grant

Location: 7958 Alameda Avenue

Representative District: # 7

Area: 0.6786 Acres

Zoning: C-1/sc (Commercial/special contract)

Existing Use: Dance Hall

Proposed Use: Dance Hall

Recognized Neighborhood Associations Contacted: Thomas Manor Neighborhood Association

Surrounding Land Uses:

North -	C-3 (Commercial) / Junkyard
South -	R-F (Ranch and Farm) / Vacant
East -	C-3/c (Commercial-conditions) / School Parking
West-	C-3/sc (Commercial-conditions) / Car Lot

Year 2025 Designation: Mixed Use (Mission Valley Planning Area)

**CITY PLAN COMMISSION HEARING, Septmeber 22, 2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON05-00099-

General Information:

The applicant is requesting a special permit to allow for a Dance Hall. The property is currently zoned C-1/sc (Commercial/special contract). The site is currently a ballroom and is 0.6786 acres in size. Access is proposed via Fresno Drive and Alameda. Fifty parking spaces are provided. The property has the following special contract requirements: Raze existing building within one year of contract October 20, 1977; "Alameda is being improved by widening the pavement thereof, first party shall at no cost to the City install a concrete curb, gutter & sidewalk along side property adjacent to Alameda"; Construct a facility on the property for the on site ponding of storm water; Install a one foot high concrete curb along the boundary fronting Alameda except where driveways are permitted.

Information to the Commission:

The department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this special permit request.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso "provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development."

The Year 2025 Projected General Land Use Map for the Mission Valley Planning Area designates this property for Mixed-Land uses.

C-2 (Commercial) zoning permits a Dance Hall by special permit.

The Commission must determine the following:

- A. Will the special permit for a Dance Hall protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

Building Permits and Inspections Department, Development Division Notes:

Need to specify square footage and accessory uses to determine parking requirements.

Project will not meet the ordinance as submitted.

Engineering Department, Development Division Notes:

No comments.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

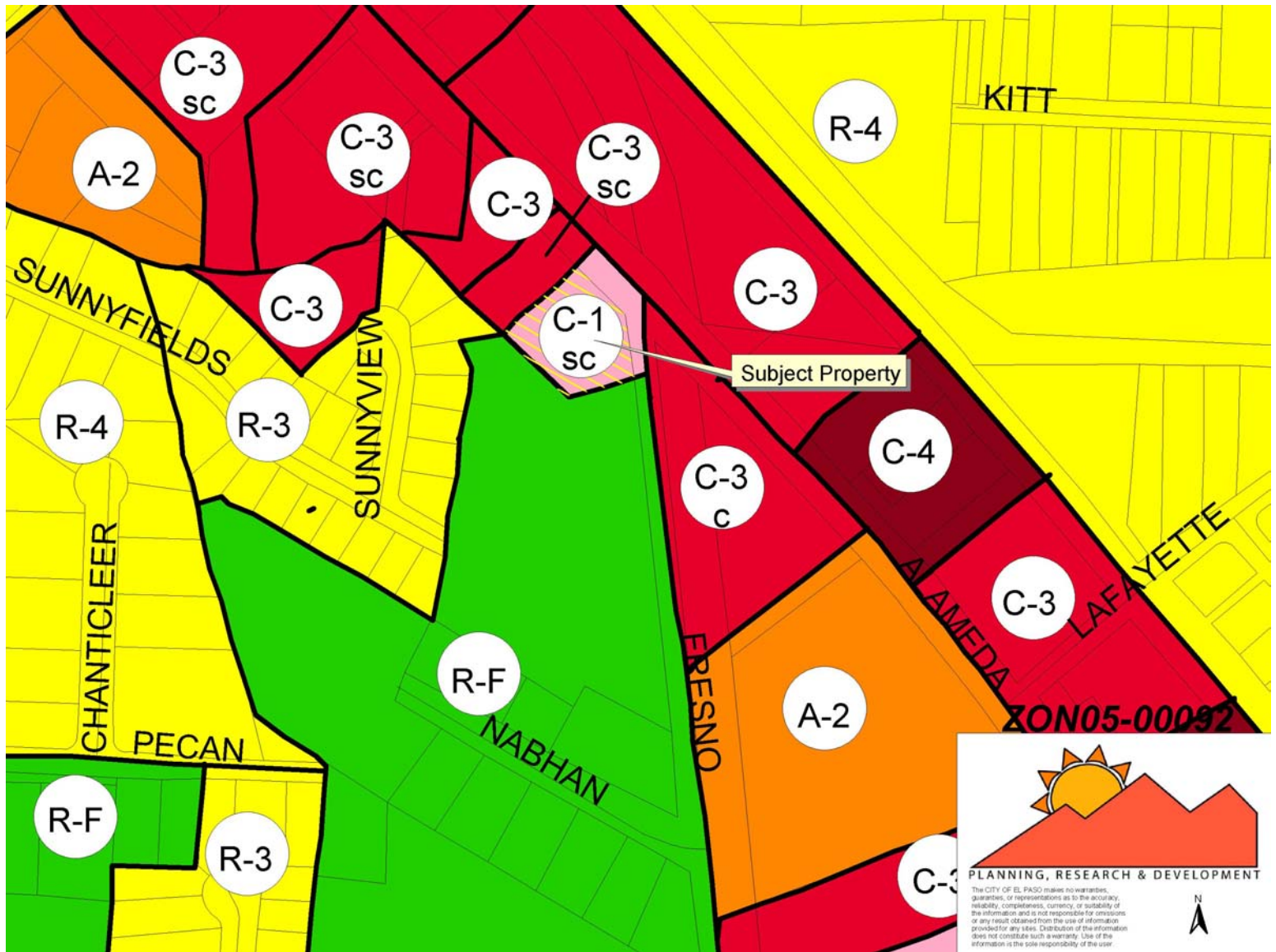
See Enclosure 1.

Planning, Research & Development Department Notes:

A. Recommend approval of the rezoning to C-2 with a special permit.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP

